

## REMARKS

Reconsideration and further examination is requested. Claims 47-69 are currently pending. Claims 1-46 were previously cancelled. Claims 47, 55, 56, 58, 59, 62, 64, and 66 have been amended to more particularly point out the scope of the invention. These claims amendments are made without prejudice to file new claims in a subsequent application. Claim 69 has been added.

### General Remarks

In order to present a prima facie case of claim anticipation under 102(e), the Examiner must show where each and every element of the claim is disclosed in the reference upon which the rejection is based. MPEP § 2131. Applicant submits that the Examiner has failed to show where each and every element of claims 47-65, 67, and 68 are anticipated by the Nguyen reference. For instance, in rejecting claim 47, the Examiner simply describes what the Examiner believes is the invention described in the Nguyen reference. However, the Examiner fails to show where the Nguyen reference discloses the claim limitations of (i) at least one distribution point, (ii) a host digital terminal distribution center, (iii) a distributed routing network, and (iv) at least one access point, among other claim elements. In fact, the Examiner's rejection of claim 47 fails to even allude to any of these claim elements. Similar rejections are given with respect to independent claims 58 and 62. Without additional evidence or arguments from the Examiner providing where these claim elements, among others, are disclosed, Applicants argue that Nguyen fails to disclose the claim elements of independent claims 47, 58, and 62, and therefore, claims 47, 58, 62 are in a condition for allowance. Likewise, because claims 48-57, 59-61, 63-65, 67, and 68 are dependent upon claims 47, 58, and 62, these claims are likewise in a condition for allowance.

Claim Rejections under 35 U.S.C. § 102

The Office Action mailed December 23, 2009 rejected claims 47-65, 67, and 68 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 20010006509 A1 to Nguyen et al. (hereinafter "Nguyen"). These rejections are respectfully traversed for the reasons discussed below.

Applicants have modified claim 47 to claim a plurality of distribution points. Applicants note that, for example, Figure 9 of the present invention shows a plurality of distribution points 40, 500 in communication with at least one access point 22, 504. Applicants' amendments to claim 47 are supported by the specification. For example, page 23, line 23 to page 24, line 24 generally describe the operation of Fig. 9, with other portions of the specification providing further description of the features of Fig. 9. Claim 47 further states that a first of the plurality of distribution points is adapted to receive the high-speed packetized information from a first subscriber unit and forward the high-speed packetized information to a second of the plurality of distribution points comprising a host digital terminal distribution center, which then forwards the high speed packetized information to an access point comprising an optical network unit adapted to convert the high-speed packetized information from the optical format to a second format. A network interface device is adapted to forward the high-speed packetized information in the second format to the second subscriber unit.

Applicant submits that Nguyen fails to disclose such a network. For example, Nguyen FIGS 2 and 3 disclose the use of a Central Office (CO) to route communications to subscriber units. However, as disclosed in claim 47, and supported by page 12, lines 16-17, no central office or mobile switching center (MSC) is required. Instead, in the system disclosed in claim 47, and as described in the specification at page 11, lines 5-6 and page 12, lines 6-7 of the

specification, each distribution point communicates and routes information between distribution points without the need to route through a CO/MSO.

Since Nguyen fails to disclose that a first distribution point may receive information and forward the information directly to a second distribution without the need of a CO, claim 47 is in a condition for allowance. Furthermore, since claims 48-57 and 68 are dependent upon claim 47, these claims are likewise in a condition for allowance. Therefore, Applicant submits that the Section 102 rejection of claims 47-57 and 68 should be removed.

Furthermore, regarding claim 49, the Examiner states the Nguyen discloses that the second format is compatible with coaxial cable. However, Nguyen fails to disclose or even allude to “coaxial cable.” Applicants therefore submit that since Nguyen fails to disclose the limitations of claim 49, claim 49 is in a condition for allowance and the rejection under Section 102 must be removed.

Additionally, regarding claim 52, the Examiner states that Nguyen discloses that a host digital terminal distribution center provides a plurality of video channels for distribution to the plurality of subscriber units. As stated in paragraph 047, a second of the plurality of distribution points comprises the host digital terminal distribution center. However, Nguyen does not disclose that a distribution point comprising a host digital terminal distribution center provides a plurality of video channels. What paragraph 0031 states is that the Central Office (CO) 53, 79 provides the “video jukebox”. As disclosed in page 12, lines 16-17, no central office or mobile switching center (MSC) is employed in the invention disclosed by claim 52. Since Nguyen fails to disclose that a distribution point comprising a host digital terminal distribution center provides a plurality of video channels and not that a CO provides a video jukebox, claim 52 is in a condition for allowance. Applicant therefore requests removal of the Section 102 rejection of

claim 52.

Furthermore, Applicants have modified claims 55 and 56 to state that the network interface device is located at the subscriber premises, as supported by page 23, lines 29-31 of the specification. Also, the requirement that the network interface device is adapted to forward the high-speed packetized information to the subscriber premises has been added to claim 56.

Applicant submits that Nguyen fails to disclose a network interface device located at the subscriber premises or that the high-speed packetized information may be forwarded to the subscriber premises by the network interface device, as disclosed on page 24, lines 3-4. As shown in FIGS. 3-4 of Nguyen, the ONU, relied upon by the Examiner as the network interface device, is not located at the customer location. Since Nguyen fails to disclose the amendments to claims 55 and 56, claims 55 and 56 are in a condition for allowance and Applicants respectfully request removal of the 102 rejections of claims 55 and 56.

The Examiner rejects claim 58 under reasoning similar to that of claim 47. Applicants have modified claim 58 in a manner similar to claim 47 and hereby incorporate the arguments made with respect to claim 47 and apply the arguments to claim 58. Like claim 47, Applicants submit that Nguyen fails to disclose the network disclosed by claim 58. For example, Nguyen FIGS 2 and 3 and paragraphs 0031-0033 disclose the use of a Central Office (CO) to route communications to subscriber units. However, as disclosed in claim 58, and supported by page 12, lines 16-17, no central office or mobile switching center (MSC) is used to route the packetized information. Instead, in the system disclosed in claim 58, and as described in the specification at page 11, lines 5-6 and page 12, lines 6-7, each distribution point communicates and routes information between distribution points without the need to route through a CO.

Since Nguyen fails to disclose that a first distribution point may receive information and

forward the information directly to a second distribution without the need of a CO, claim 58 is in a condition for allowance. Furthermore, since claims 59-61 are dependent upon claim 47, these claims are likewise in a condition for allowance. Therefore, Applicant submits that the Section 102 rejection of claims 58-61 should be removed.

Additionally, claim 59 is in a condition for allowance because Nguyen fails to disclose that each information channel is adapted to be accessed by multiple subscriber units. Paragraph 0031 of Nguyen only discloses a video jukebox. There is no disclosure that the video jukebox provides for a number of information channels that are adapted to be accessed by multiple subscriber units. Therefore, Applicant submits that claim 59 is in a condition for allowance and requests removal of the Section 102 rejection of claim 59.

The Examiner has rejected Claim 62 under a similar reasoning as claim 47. Applicant therefore incorporates the argument made above with respect to claim 47 and applies the arguments to claim 62. Specifically, Applicants submit that Nguyen fails to disclose that a first distribution point comprising a host digital terminal distribution center forwards at least one of the plurality of high-speed information packets to a second distribution point without the use of a CO/MSR. Therefore, claim 62 is in a condition for allowance and Applicant submits that the Section 102 rejection of claim 62 should be removed. Furthermore, as claims 63-65 and 67 are dependent upon claim 62, these claims are likewise in a condition for allowance and the section 102 rejection of the claims should be removed. Furthermore, Applicants submit that Nguyen fails to disclose the limitations present in either claim 64 or 65 that a subscriber unit is within a coverage area or that a host digital terminal distribution center receives a message from at least one of a plurality of subscriber units, respectively. In fact, Nguyen fails to disclose any process of a request to access data. Therefore, claims 64 and 65 are in a condition for allowance and

Applicant respectfully requests removal of the Section 102 rejection of claims 64 and 65.

The Examiner has also rejected claim 66 under 35 USC 103(a) as being unpatentable over Nguyen in view of U.S. Pat. No. 6,751,221, (hereinafter Saito). Although Applicants believed previously presented claim 66 was in a condition for allowance, Applicants have modified claim 66 in order to further prosecution. Claim 66 now states that the dummy address permits one or more subscriber units to request and terminate a video channel from the host digital terminal distribution center without disrupting the distribution of the same video channel to any other subscriber units. Applicant submits that neither Nguyen nor Saito disclose a dummy address which permits one or more subscriber units to request and terminate a video channel from the host digital terminal distribution center without disrupting the distribution of the same video channel to any other subscriber units. Furthermore, the Examiner has failed to present any arguments in support of such claim elements. As such, Applicants submit that claim 66 is a condition for allowance and requests that the Section 102 rejection of claim 66 be removed.

Finally, new claim 69 claims adding a new access point to the distributed network where the access point further comprises a distribution point. Claim 69 is supported by page 19, lines 17-25 of the specification and Applicant submits that Nguyen fails to disclose adding access points to a distributed network where the access point comprises a distribution point. Therefore, claim 69 is in a condition for allowance.

### **CONCLUSION**

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Shane Percival, Applicants' Attorney at 720-536-4906 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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/Shane Percival/

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Dated

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